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Dividing and inclosing the Open Fields,
Lands and Grounds, within the Town-
ship of *North-Burton*, otherwise *Bur-*
ton-Flemming, in the County of *York*.

W **H** **E** **R** **E** **A** **S** within the Township of *North-Burton*, Preamble.
otherwise *Burton-Flemming*, in the County of *York*, there
are several open Fields, Lands and Grounds, consisting
of One Hundred and Sixty-Eight Oxgangs of Land, and
other Lands and Grounds, known and distinguished by
fundry different Names, and containing in the whole upwards of
Three Thousand Acres.

A **n** **d** **w** **h** **e** **r** **e** **a** **s** there are Five ancient Cottages, and no more,
within the said Town of *North-Burton*, otherwise *Burton-Flemming*
aforesaid, the Owners whereof have in respect of such Cottages,
some Right in the said Fields.

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And

And whereas Sir George Strickland, Baronet, is Lord of the Manor of North-Burton, otherwise Burton-Flemming aforesaid, and intitled to all the Tythes of Corn and Grain, yearly arising, renewing and increasing, of, from, or out of Forty-Six of the said Oxgangs of Land, and the said Sir George Strickland is also Owner of Two of the said ancient common Right Cottages, and of sundry Lands and Grounds within the said Township.

And whereas Robert Knowsley, Gentleman, and Thomas Whar-
ram, are intitled in equal Moieties, to all the Tythes of Corn and Grain, yearly arising, renewing or increasing, of, from, and out of the remaining One Hundred and Twenty-Two of the said Oxgangs of Land, and the said Robert Knowsley is also Owner of sundry Lands and Grounds within the said Township, and the said Thomas Whar-
ram is also Owner of other Lands and Grounds there. 2

And whereas Fountayne Wentworth Osbaldeston, Esquire, is in-
titled to all the Tythes of Lamb, yearly arising, renewing, or in-
creasing within the said Township, and of sundry other Lands and Grounds within the said Township.

And whereas John Knowsley, Clerk, is Vicar of North-Burton,
otherwise Burton-Flemming aforesaid, and as such, intitled to all the Tythes of Hay and Wool, and other small or petty Tythes, arising, renewing and increasing within the said Township, and likewise to all Easter-Offerings and Surplice-Fees, for Marriages, Churchings, and Burials there, and the said John Knowsley, in his own Right, is also Owner of Lands and Grounds within the said Township.

And whereas William King, as Parish-Clerk of North-Burton,
otherwise Burton-Flemming aforesaid, is intitled to One Sheaf of Barley yearly, from every of the said Oxgangs of Land, within the said Township.

And whereas Thomas Milner, Thomas Barugh, and others, are
Owners of the residue of the Lands and Grounds, within the said Township.

And whereas the Lands of the said Proprietors, in the said
open Fields and Grounds lie dispersed in several small Parcels, and
so intermixed, that in their present state and Situation, they are
incapable of much Improvement.

And whereas although the dividing and inclosing the said
open Fields, Lands and Grounds, would be of publick Utility, as
well as a great Improvement of the respective Estates and Proper-
ties 3

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ties of all the Parties interested therein; yet the same cannot be effectually carried into execution, without the aid and Authority of Parliament.

May it therefore please your *M A J E S T Y*,

That it may be **Enacted**; and be it **Enacted**, by the KING's most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That *Edward Cleaver* of *Ganthorp*, in the County of *York*, *John* ^{Commission-}
Outram of *Burton-Agnes*, in the said County, and *John Raines* of ^{ers.}
Burton-Constable, in the said County, Gentlemen, and their Successors, to be elected in Manner herein after-mentioned, shall be, and they are hereby appointed Commissioners, for letting out, dividing, apportioning, and allotting the said open Fields, Lands and Grounds, and for putting this Act in execution, in Manner, and subject to the Rules, Orders and Directions, herein and hereby ordered, directed, and prescribed.

Provided always, and be it further Enacted by the Authority aforesaid, That no Person shall Act as a Commissioner, for any of the Purposes of this Act (except in administering the Oath next herein after mentioned) unless he shall First take and subscribe an Oath to the Effect following, That is to say;

" I, *A. B.* do Swear, That I will faithfully, impartially, and ^{Commission-}
" honestly, according to the best of my Skill and Judgment, ex- ^{ers} Oath.
" cute the several Powers and Trusts reposed in me as a Commis-
" sioner, by virtue of an Act of Parliament, *For dividing and inclosing*
" *the open Fields, Lands and Grounds, within the Township of North-*
" *Burton, otherwise Burton-Flemming, in the County of York, with-*
" out Favour or Affection to any Person whomsoever;

Which Oath any One of the said Commissioners, is hereby authorized and required to administer to the other or others of them, and the said Oath so taken and subscribed by each Commissioner, shall be inrolled at the same Time and Place, as the Award to be made by the said Commissioners, as herein after mentioned, is directed to be inrolled.

And for the more just and equal Division, Distribution and Surveyor. Allotment of the Lands and Grounds intended to be divided and inclosed, as aforesaid, and for the better ascertaining the same, and more equal proportioning the annual Sum or Rent, to be paid in Part, Compensation for and in Lieu of Tythes as herein after mentioned;

It

It is hereby further Enacted and Declared by the Authority
aforesaid, That all the open Fields, Lands and Grounds, hereby in-
tended to be inclosed, and all the old Inclosure within the said Town-
ship of *North-Burton*, otherwise *Burton-Flemming* aforesaid, shall be sur-
veyed and measured by *Joseph Dickinson* of *Beverley*, in the said County,
Surveyor, or such other Person as shall be elected, in manner herein
after mentioned, in his Room or Place, in case he shall happen to die
or refuse to Act as Surveyor; and such Survey and Admeasurement
shall be reduced into Writing, and the Number of Acres, Roods,
and Perches, belonging to each and every Proprietor contained in the
said Fields, Lands, Grounds, and old Inclosure, shall therein be set
forth, ascertained and declared; and that the said Survey and Ad-
measurement shall be made and reduced into Writing, and laid before
the said Commissioners, or any Two of them, within Four Calendar
Months next after the passing of this Act, or so soon after as
conveniently may be, at some or one of their Meetings to be had
in pursuance of this Act, and verified by the Oath of the Surveyor,
or Surveyors taking the same, which Oath or Oaths the said Com-
missioners, or any One of them, are, and is hereby required and
authorised to administer.

Allotments.

And be it further Enacted by the Authority aforesaid, That
the said Commissioners, or any Two of them, shall, and they are hereby
required as soon as conveniently may be, after the said Survey shall
have been laid before them, in the first Place, to assign, set out, allot and
appoint unto, and for the said *Sir George Strickland*, *Robert Knowsley*,
and *Thomas Wharram*, respectively, and their respective Heirs and
Assigns, and unto the said *John Knowsley*, and his Successors, Vicars of
North-Burton, otherwise *Burton-Flemming*, aforesaid, for the Time being,
such Parcel or Parcels of the said Fields, Lands and Grounds, to each
of them respectively, as in the Judgment of the said Commissioners,
or any Two of them, shall, immediately after the Inclosure thereof, be
a full Equivalent and Compensation for one Moiety or equal half Part
of the respective Right and Property of them the said *Sir George Strickland*,
Robert Knowsley, *Thomas Wharram*, and *John Knowsley*, of and in the great
and small Tythes belonging to them respectively, (except as herein after
is excepted) arising and renewing in and upon the Fields, Lands and
Grounds, hereby directed to be inclosed as aforesaid, and in and upon
the old Inclosure, the said Commissioners having regard in such Allot-
ments, as well to the annual Value of the said Tythes, belonging to the
several Owners thereof respectively as aforesaid, as to the annual Value
of the Lands and Grounds out of which the same Tythes now are or
have been issuing, and after the said Allotments shall be so set out, and
allotted in Lieu of and Compensation for such Part of the said Tythes as
aforesaid, then to set out, allot, and appoint all the Rest and Residue
of the said Fields, Lands, and Grounds hereby directed or intended
to be allotted or inclosed, unto and amongst the said *Sir George Strick-
land*, *Robert Knowsley*, *Thomas Wharram*, *Fountayne Wentworth Osbaldeston*,
John Knowsley, and all the rest of the Owners, Proprietors, and Per-
sons interested therein, as aforesaid, in Proportion to their several and
respective

respective Shares, Interests, Right of Common, and other Properties, (other than the said Tythes) in, upon and over the said open Fields, Lands, and Grounds, so intended to be inclosed, divided or allotted as aforesaid, or any Part or Parts thereof.

- 7 And be it further Enacted, That one annual Sum or clear yearly Tythe-Rent of Twenty-five Pounds of lawful Money, as a full Compensation to the said *Fountayne Wentworth Osbaldeston*, for and in lieu of the whole of the said Tythes of Lamb, belonging to him, as aforesaid, and also such several annual Rents or Yearly Sums of Money, as the said Commissioners, or any Two of them, shall adjudge to be a full Equivalent and Satisfaction for the respective Parts and Interests of the said *Sir George Strickland*, *Robert Knowsley*, *Thomas Wharram*, and *John Knowsley*, of and in the other Moiety or equal half-part of the said great and small Tythes (except as herein after mentioned) arising or renewing upon the said Lands and Grounds, hereby directed to be inclosed or allotted; and also of and in the remaining Moiety or half-part of the great and small Tythes, arising or renewing upon the ancient inclosed Lands and Grounds, within the said Township, clear of all Charges and Deductions, for or in Respect of any present or future Taxes, Assessments, or Impositions, or other Cause, Matter or Thing whatsoever, other than and except the Tax, commonly called the Land-tax, to be assessed in Proportion to the Rate, after which the Lands, Tenements and Hereditaments, shall in general be assessed within the said Township, shall be assigned and directed by the said Commissioners, or any Two of them, to be paid to the said *Fountayne Wentworth Osbaldeston*, *Sir George Strickland*, *Robert Knowsley*, and *Thomas Wharram* respectively, and
- 8 to their respective Heirs and Assigns, and to the said *John Knowsley* and his Successors, Vicars, as aforesaid, and shall be respectively issuing out of, and charged upon such several Parts, Shares and Proportions of all and every the tythable Lands and Grounds, hereby directed to be inclosed or allotted, (except out of the Lands above directed to be allotted, in Compensation for such Part of Tythes as aforesaid) as the said Commissioners, or any Two of them, shall assign, direct, and appoint, and also of all and every the ancient inclosed Lands and Grounds, and shall be payable and paid to them, the said *Fountayne Wentworth Osbaldeston*, *Sir George Strickland*, *Robert Knowsley*, and *Thomas Wharram* respectively, and to their respective Heirs and Assigns, and to the said *John Knowsley*, and his Successors, Vicars, as aforesaid, for the Time being, by the several and respective Owners of the said Lands and Grounds, to be charged therewith respectively as aforesaid, in the Porch of the Church of *North-Burton*, otherwise *Burton-Flemming* aforesaid, and the said Commissioners, or any Two of them, are hereby authorized and directed to assign, settle, and appoint the said several annual Rents, and Proportions, and Parts of Lands to be charged therewith respectively, as aforesaid, having due Regard as well to the Value of each particular Allotment in the said open Fields, Lands, and Grounds, and of the Part or Property, of each of the Owners of the said ancient inclosed Lands, to be charged with the said Rents, as to

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the Part of the Tythes, in respect whereof such Rents shall be appointed, and the Value of each particular Persons Property in the same Tythes.

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Times of
Payment of
Tythe Rents.

Rents toge-
ther with the
Allotments, to
be accepted
in lieu of
Tythes.

Surplice Fees
excepted.

For recovery
of Tythe-
Rents, when
in Arrear.

And it is hereby further Enacted, That the said several and respective Rents or yearly Sums shall be payable, and paid to them the said *Fountayne Wentworth Osbaldeston*, *Sir George Strickland*, *Robert Knowsley*, and *Thomas Wharram* respectively, and to their respective Heirs and Assigns for ever, and to the said *John Knowsley* and his Successors, Vicars as aforesaid, for the time being, for ever, by Two equal Payments in every Year (that is to say) upon the Fifth Day of *April*, and the Tenth Day of *October* in every Year, the First Payment thereof to begin and be made upon such of the said Days in the Year One Thousand Seven Hundred and Sixty-nine as they the said Commissioners, or any Two of them, shall appoint, and shall be and are hereby vested in them the said *Fountayne Wentworth Osbaldeston*, *Sir George Strickland*, *Robert Knowsley*, and *Thomas Wharram* respectively, and their respective Heirs and Assigns, and the said *John Knowsley*, and his Successors, Vicars as aforesaid, and shall, together with the Allotments herein before directed to be made respectively, in Compensation for Part of the said Tythes as aforesaid, be from and after the half-year Day next preceding the First Day of Payment of the said annual Rents, to be appointed by the said Commissioners, or any Two of them as aforesaid, accepted by them severally and respectively, for and in lieu of, and as a full Compensation and Satisfaction for all the great and small Tythes, of what Nature or Kind soever, which shall arise, renew, increase, or become due and payable, from and after the said half-year Day next preceding the said First Day of Payment, of the said Rents to be appointed as aforesaid, to them the said several Owners of the said several Tythes and Dues respectively, for, out, or in respect of the said Fields, Lands and Grounds hereby directed to be inclosed or allotted, and the said ancient inclosed Lands, and for all other Ecclesiastical Dues, Duties, and Payments whatsoever, payable to the said Owners aforesaid, within the said Township of *North-Burton*, otherwise *Burton-Flemming* aforesaid, which from thenceforth for ever shall cease and determine (saving and excepting always to the said *John Knowsley*, and his Successors, Vicars as aforesaid, all *Easter-Offerings*, *Marriage*, *Burial*, *Churching*, and *Surplice-Fees*.

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And be it further Enacted, That if any of the said respective Rents or yearly Sums so to be charged, settled, and proportioned as aforesaid, or any Part or Proportion thereof as aforesaid, shall be unpaid for the Space of Thirty Days next after either of the said Days herein before appointed for the Payment thereof, then and in such Case, and from time to time, it shall and may be lawful to and for them the said *Fountayne Wentworth Osbaldeston*, *Sir George Strickland*, *Robert Knowsley*, and *Thomas Wharram* respectively, and their respective Heirs and Assigns, and for the said *John Knowsley*, and his Successors, Vicars as aforesaid, or such of them to whom such Rent

Rent or Rents, or any Part or Parts thereof respectively, shall be due and unpaid as aforesaid, to enter and make Distress and Distresses of any Goods, Chattels, and Cattle being upon such specific Part or Parts, Share or Shares of the Lands and Grounds, as shall in pursuance of this Act be particularly charged with such Rent or Rents, or Part or Parts thereof, which shall be so unpaid, and the Distress and Distresses from time to time taken to lead, drive, carry away and impound, or otherwise dispose of according to the Laws now in Force, concerning Distresses for Rent reserved upon Leases for Years, for the recovery of such Rent or Rents, or Part or Parts thereof so in Arrear, and all Costs, Charges and Expences, attending such Entry and Distress and Distresses.

And be it further Enacted, That if it shall happen, that any of the said Rents, or any Part or Parts thereof, shall be in Arrear, or unpaid by the Space of Sixty Days next after either of the said Days hereby limited for the Payment thereof, and no sufficient Distress shall be found upon the Premises charged with the said Rent or Rents, or Part or Proportion thereof so in Arrear, then and from time to time, it shall and may be lawful to and for the said *Fountayne Wentworth Osbaldeston*, *Sir George Strickland*, *Robert Knowsley*, and *Thomas Wharram* respectively, and their respective Heirs and Assigns, and to and for the said *John Knowsley*, and his Successors, Vicars as aforesaid, his, or their Executors, or Administrators, into, and upon such specific Part or Parts of the Lands and Grounds, as shall in pursuance of this Act, be particularly subject to, or charged with the Payment of the said Rent or Rents, or any Part thereof respectively, which shall be so in Arrear or unpaid, or into any Part or Parts thereof, in the Name of the whole of such specific Part or Parts, to enter and receive, and take the Rents, Issues, and Profits, of such specific Part or Parts respectively, to his, and their own respective Use, until thereby or otherwise, all Arrears of such respective Rent or Rents, as shall be so behind and unpaid, or that during such Possession shall become due, and all Costs and Charges attending such Entry and Perception of the Rents and Profits aforesaid, and all Damages incurred by reason of the Non-Payment thereof, shall be fully paid, satisfied, and discharged.

And be it further Enacted, That One other Rent or yearly Sum, which the said Commissioners, or any Two of them, shall in their Judgment think adequate and equivalent to the Value of the said Sheaves of Barley, yearly due to the Parish-Clerk as aforesaid, shall be issuing out of all or any One or more of the Shares and Alotments to be made as aforesaid, to be paid or payable by the Proprietor or Proprietors thereof, to the said *William King*, and his Successors, Parish-Clerks of the Township of *North-Burton*, otherwise *Burton-Flemming* aforesaid, for the time being, for ever in the Porch of the said Church, either altogether, or in such several Proportions, as shall be assigned or appointed by the said Commissioners, or any Two of them, (who are hereby authorized and required to assign the same)

same by Two equal half yearly Payments, in the Year (that is to say) upon the Fifth Day of *April*, and the Tenth Day of *October*, in every 13 Year, the First Payment thereof to begin and be due and payable upon such of the said Days, as they the said Commissioners, or any Two of them, shall appoint, and to be vested in him the said *William King* and his Successors Clerks as aforesaid, for the Time being, for ever in Lieu of and as a full Compensation for the said Sheaves of Barley belonging to him as aforesaid, and that the said Parish Clerks respectively for the Time being, shall have and exercise such and the like Remedies, Powers and Provisions for recovering and receiving the same yearly Rents, and all Arrears thereof, as are before given and provided unto, and for the said respective Owners of the great and small Tythes for the Recovery of the above mentioned Rents or yearly Sums hereby vested in and made payable to them as aforesaid.

Roads.

And be it further Enacted by the Authority aforesaid, That the said Commissioners, or any Two of them, shall have full Power and Authority, and are hereby required to set forth all Manner of Ways, both public and private, within the said open Fields, Lands and Grounds, so intended to be divided and allotted, so as all public Highways or Roads so to be set out, shall be of the Breadth of Sixty Feet at the least, between and exclusive of the Ditches, and also to set forth, order, and appoint all the Ditches, Fences, Drains, Watercourses, Bridges, Gates and Stiles, that are to be made in the same 14 Fields, Lands and Grounds, or any of them, for the private Convenience of the said Proprietors, or any of them; and how, and by whom, and in what Time all such Ways, Ditches, Fences, Drains, Watercourses, Bridges, Gates and Stiles, shall respectively be made, and thereafter repaired, maintained, and cleansed, and particularly that they the said Commissioners, or any Two of them, shall make one good and effectual Drain or Watercourse of Breadth and Depth sufficient to carry off the Water that may at any Time hereafter run into or through any Part of the Lands or Grounds, hereby intended to be inclosed from certain Springs, commonly called Gypsies, with proper Arches across the same, at all necessary Places, and also to direct the Course of Husbandry, which shall be used within the said Fields, Lands and Grounds, from the Time of passing this Act until the Allotments intended as aforesaid, shall be compleated, and to value, ascertain and award, how much shall be paid to each Tenant or Owner for Damage, which shall be done by cutting any Ditches through any Land whereon Corn shall be growing, or for the standing of any Corn or Grain by Tenants to the Owners, and also to set forth, order, and do all and every other Matters and Things for the perfecting and completing the said Division and Inclosure, according to the true Intent and 15 Meaning of this Act, as they the said Commissioners, or any Two of them, shall think necessary or convenient.

Commissioners to direct the Course of Husbandry.

And settle Damages done by Cutting Ditches, &c. in Corn Fields.

When new Roads made, old ones to be disused.

And be it further Enacted, That, after the said Highways and Roads shall be so set out as aforesaid, it shall not be lawful for any Person or Persons to use any other Roads or Ways either public or private,

private, in or over the said Fields, Lands and Grounds, either on Foot or with Horses, Carriages or Cattle, but such Highways and Roads, as by the said Commissioners, or any Two of them, shall be so set forth, ordered and appointed as aforesaid, and that all such public and common Highways when so ascertained, laid out and appointed as aforesaid, shall from Time to Time be repaired by the Township of *North-Burton*, otherwise *Burton-Flemming*, aforesaid, in such Manner as hath been heretofore accustomed, and as by the Laws of the Land, they are obliged to repair the present Highways within the said Township, and that all the former Roads and Ways, which shall not be set out and appointed, as the Roads and Ways through the said intended Allotments shall be deemed, Part of the Lands to be divided, and shall be allotted accordingly as Part thereof.

And made
Part of the
Lands to be
allotted.

And be it further Enacted by the Authority aforesaid, That within Six Calendar Months after the said Division and Allotments shall be made of the said Fields, Lands and Grounds, so intended to be
16 inclosed as aforesaid, or so soon after as conveniently may be, the said Commissioners, or any Two of them, shall form and draw up an Award or Instrument, which shall express denote and contain the Quantity in Statute Measure, of the Acres, Roods and Perches contained in the said several Fields, Lands and Grounds, so proposed and intended to be inclosed as aforesaid, and the Quantity and Contents of each and every Parcel thereof assigned and allotted to the respective Proprietors and Persons interested therein, as aforesaid, upon such Partition and Division as aforesaid in pursuance of this Act, and a Description of the Situation, Buttals and Boundaries of the same Parcels and Allotments respectively, and Orders, and Directions for fencing the same, and for laying out and making proper Roads, Ways, Passages, Watercourses, Bridges, Gates and Stiles, in, over and through the same, and when and by whom the same shall respectively be made, cleansed, maintained and repaired, and shall also express and ascertain the several yearly Sums, to be paid and contributed by the respective Parties towards making and constituting the said several Rents or annual Sums hereby vested in and directed to be paid to the said *Fountayne Wentworth Osbaldeston*, *Sir George Strickland*, *Robert Knowsley*, and *Thomas Wharram* respectively, and their respective Heirs and Assigns, and to the said *John Knowsley* and *William King* and their Successors respectively, and
17 shall also contain such other Orders, Regulations and Determinations as shall be proper and necessary to be inserted therein, conformable to the Tenor and true Meaning of this Act, and that the said Award or Instrument, shall be fairly ingrossed and written upon Parchment, and sealed and delivered by the said Commissioners, or any Two of them, and shall be inrolled at the public Register-Office, established at *Beverley* by an Act of Parliament, made in the sixth Year of the Reign of her late Majesty Queen *Anne*, for the public Registering of Deeds and Wills affecting Lands in the *East-Riding* of the County of *York*, and Town and County of the Town of *Kingston upon Hull*, and the Register of the said Office or his Deputy is hereby required to inroll the same, in the proper Book for inrolling of Bargains and Sales

Award.

of Lands, and a true Copy of such Inrollments, or any Part thereof certified under the Hand of the said Register or his Deputy, shall from time to time be admitted and allowed in all Courts whatsoever, as legal Evidence of the same, and the said Original Award or Instrument after inrolling the same as aforesaid, shall be lodged or deposited in the Hands of the Lord of the Manor of *North-Burton*, otherwise *Burton-Flemming* aforesaid, for the time being, to the End that recourse may be had to the same, by the Persons interested in the said Division and Inclosure, and the said Register or his Deputy, shall be intitled to such Fees for such Inrollment, and Copies thereof, or of any Part thereof, as are allowed him by the same Act, for inrolling any Bargain and Sale, and Copy thereof, and the said Register and his Deputy shall permit and suffer any Person or Persons whatsoever, from time to time and at all times within the Office Hours of Attendance, to peruse and inspect the Inrollment of the said Award, at the said publick Office, paying to the said Register or his Deputy for every such Perusal or Inspection One Shilling and no more; and the said Award, when executed by the said Commissioners, or any Two of them, in manner aforesaid, shall be binding and conclusive upon all Parties.

And be it further Enacted by the Authority aforesaid, That when the said Fields, Lands and Grounds, shall be let out, ascertained and allotted, by the said Commissioners, or any Two of them, by such Award, Instrument or Writing, as herein before mentioned, the several Allotments to be made thereby shall, within such time as the said Commissioners, or any Two of them, shall appoint, be accepted by the several and respective Persons to whom such Allotments shall be respectively made, and shall, except such Parts thereof as adjoin to any other Township, be by them respectively, at their respective Costs and Charges within the same time, inclosed, hedged, ditched and fenced, in such Manner as the said Commissioners, or any Two of them, shall order and direct, and that the several Lands and Grounds, to be by the said Award respectively allotted, to and for the several Persons, who by virtue of this Act, shall be intitled to the same, shall be in full Bar of, and Satisfaction, and Compensation for his, her, and their several Pieces and Parcels of Ground, which they respectively had before the passing of this Act, or immediately before the said Allotments made, and which were, and are lying dispersed in the said Fields, Lands and Grounds, and also in full Bar of, and Satisfaction, and Compensation, for all Right of Common, or Common of Pasture, in, or upon the same, or any Part thereof, which from thenceforth shall cease, and for ever be extinguished.

Provided always, and it is hereby further Enacted and Declared, by the Authority aforesaid, That the Guardians, Husbands, Trustees, Committees or Attornies, of, or any Person or Persons acting as Guardians, Trustees, Committees or Attornies, for any Person or Persons, being a Minor or Minors, or otherwise incapable by Law to accept any such Allotments, as shall be made by the said Commissioners, or any Two of them, shall be, and are hereby enabled and required to accept thereof, for and to the Use of such Person or Persons

Persons; and also that any Person or Person, intitled to any Allotment or Allotments, as Tenant or Tenants for Life or Lives shall be, and is, and are hereby respectively enabled to take and accept of any such Allotment or Allotments, and every such Acceptance respectively shall be, and is hereby declared to be valid and effectual, any thing herein contained to the contrary in any wise notwithstanding.

Provided nevertheless, That the Non-Claim or Non-Acceptance, of any Guardian, Husband, Trustee, Committee or Attorney, or of any Person acting as such respectively, shall not exclude or prejudice the Claim or Acceptance of any Person being an Infant, Feme Covert, beyond the Seas, or under any Disability or Incapacity as aforesaid, who shall claim or accept, his, her, or their Allotment or Allotments, within Twelve Calendar Months, after such Disability or Incapacity, removed or prejudice the Claim or Acceptance of any Person or Persons, intitled as Heir, or in Remainder, after the Death of any Person dying under such Disability or Incapacity, who shall claim or accept, within Twelve Calendar Months, after his, her, or their Right, Title, or Interest, shall be known to have descended, vested, or accrued:

The Non-Acceptance not to bar Infants, &c.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend, or be construed, adjudged, or taken to extend, to revoke, or make void, alter or annul, any Will or Wills, Settlement or Settlements, or to prejudice any Person or Persons, having any Right or Claim of Dower, Jointure, Portion, Annuity, Debt, Rent, Mortgage, Incumbrance, or other Demand, out of, upon, or affecting any Lands or Grounds so intended to be inclosed and divided as aforesaid, or any Part or Parcel thereof respectively, but that each and every Proprietor shall stand and be seized of, and in the several Lands and Grounds to be assigned and allotted to him, her, or them as aforesaid, by the said intended Division and Inclosure as aforesaid, to such and the same Use and Uses, and for such and the same Estates and Interests, and subject to such and the same Wills, Powers, Provisoes, Limitations, Trusts, Charges, Annuities, Mortgages, Rents, Incumbrances and Demands, as he, she, or they respectively would have stood seized of, in his, her, or their several Lands and Grounds lying in the said open Fields, Lands and Grounds so intended to be inclosed as aforesaid, in case the same had remained uninclosed, or this Act had not been made, and the Person or Persons to whom such Lands charged with, or subject to any such Incumbrances as aforesaid, shall be allotted, or the same Lands shall not be chargeable therewith, but the Person or Persons intitled to such Rents, Mortgages, Charges and Incumbrances as aforesaid, shall have such and the same Remedies and Powers relating thereto, in, upon, or out of the new Allotments to be made as aforesaid, to any Proprietor or Proprietors, whose present Estates are chargeable with, or subject to such Incumbrances as aforesaid, as he, she, or they now have in such Estates, any thing herein contained to the contrary notwithstanding.

The Act not to alter Wills, Settlements, &c.

And

For Choice of
new Commis-
sioners or
Surveyor.

And be it further Enacted by the Authority aforesaid, That if any One or more of the Commissioners, or the Surveyor appointed by this Act, or who shall have been elected in the Manner herein after mentioned, shall before the Execution of all the Powers and Authorities hereby in them respectively vested, die or refuse to act, the Majority of the Proprietors or Persons interested in the said Fields, Lands and Grounds so intended to be inclosed as aforesaid, present at a publick Meeting to be held at *North-Burton*, otherwise *Burton-Flemming* aforesaid, within One Month next after such Death or Refusal shall happen, Six Days previous Notice of such Meeting being first given in the Parish-Church of *North-Burton*, otherwise *Burton-Flemming* aforesaid, on some *Sunday* immediately after Divine Service, by, or by Order of any Two or more of the said Proprietors, or by Writing under their Hands, affixed upon the Door of the said Church, shall from time to time by Writing under their Hands and Seals, appoint One other Commissioner or Surveyor, not interested in the said intended Division, instead of each Commissioner or Surveyor so dying or refusing to Act, and every such Commissioner or Surveyor so to be appointed shall have the like Authority to act in the Execution of this Act, as the Commissioner or Surveyor, in whose Place he shall succeed, is hereby vested with, which Writing or Writings shall be inrolled in such Manner as the said Award is hereby 23 before directed to be inrolled, and a true Copy thereof, under the Hand of the said Register or his Deputy, shall be admitted as Evidence in like Manner as a Copy of the Inrollment of the said Award so certified is herein before directed to be admitted and allowed.

For defraying
the Expences
of the Act, &c.

And be it further Enacted by the Authority aforesaid, That the reasonable Costs and Charges incident to, and attending the passing this Act, and of the surveying, dividing and allotting the said open Fields, Lands and Grounds, hereby intended to be inclosed, and the preparing and inrolling the Award or Instrument relating thereto, and all other reasonable Charges and Expences of the Commissioners, and other proper and necessary Expences in the executing this Act, shall from time to time, as the same shall respectively accrue, be borne, paid, and defrayed, by the several Persons to whom any Part of the said Lands and Grounds shall be allotted by virtue of this Act, in Proportion, or as near as may be, to their respective Shares and Interests in such Lands and Grounds, such Proportions to be from time to time settled, adjusted, and ascertained by the said Commissioners, or any Two of them, and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion or Proportions, so to be from time to time adjusted and ascertained, of all or any Part of the respective Charges or Expences aforesaid, or the Charges and Expences of hedging, ditching or fencing, his, her, or their Shares or Allotments 24 within the time to be limited by the said Commissioners, or any Two of them, to such Person or Persons, as they, or any Two of them, shall appoint to receive the same, then, and in either of the said Cases, it shall and may be lawful to and for the said Commissioners, or any Two of them, from time to time, by Warrant or Warrants, under their Hands

Hands and Seals to levy the same by Distress and Sale of the Goods and Chattels, of the Person or Persons so refusing or neglecting to pay the same, or by Distress and Sale of any Cattle or Goods, being upon the Allotment or Allotments of the Person so refusing or neglecting to pay, rendering the Overplus (if any) on demand to the Owner or Owners of such Goods, Cattle and Chattels, the reasonable Charges of such Distress and Sale being first deducted.

Provided always, That the said *John Knowsley* or his Successors, Persons excepted from the Expences. Vicars of *North-Burton*, otherwise *Burton-Flemming* aforesaid, in respect either of the said Lands so to be allotted to him in Part compensation for Tythes as aforesaid, or in respect of the said Rent or annual Sum, so to be paid to him as aforesaid, or the Person or Persons to whom any of the said Rents or annual Sums is or are limited, in respect thereof only, or the Owners of the old Inclosure, within the said Township in respect thereof only, shall not be chargeable with, or liable to pay any Part or Proportion of the Costs, Charges and Expences aforesaid.

- 25 **Provided always, and be it further Enacted** by the Authority aforesaid, That the Allotment or Parcel of Ground, so to be set out, allotted and awarded to the said *John Knowsley* and his Successors, Vicars as aforesaid, shall be inclosed and fenced with an outward Ditch or Fence, and set with Posts and Rails, and planted with Quickwood, in such Manner, and at such Time, as the said Commissioners, or any Two of them, shall direct and order, at the common Charge of the Proprietors of all the rest of the Lands and Grounds, hereby directed to be inclosed, in Proportion to the Value of their respective Allotments, to be settled by the said Commissioners, or any Two of them, and levied in case of any Default of Payment thereof, or any Part thereof,) by such Warrant of the said Commissioners, or any Two of them, as aforesaid; and that such Fences shall for ever afterwards be maintained and repaired by him, the said *John Knowsley*, and his Successors, Vicars as aforesaid.

- And whereas** several of the Owners and Proprietors of Allotments to be made by virtue of this Act may have Occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences incident to, and attending the obtaining and Execution of this Act, and of inclosing their respective Allotments, and cannot by reason of some Settlement or Settlements, or other Incapacities and Impediments, respectively make effectual Securities for the Money, that may be lent for these Purposes; **Be it therefore Enacted** by the Authority aforesaid, That it shall and may be lawful to and for the several Owners and Proprietors, being Tenants for Life or in Tail, and also to and for the Husbands, Guardians, Trustees, Committees or Attorneys of, or any Person or Persons acting as Guardians, Trustees, Committees or Attorneys for any Charity or Charities, or for such of the said Owners or Proprietors, as shall be under Coverture, Minors, Lunatics or beyond the Seas, or otherwise incapable of acting for themselves,

themselves, and every of them respectively for the Time being, by Writing under their Hands and Seals from Time to Time, to charge the Lands and Grounds, which shall be assigned and allotted to them the said Owners and Proprietors respectively, by virtue of this Act, with such Sum or Sums of Money (not exceeding Forty Shillings for every Acre of the Lands and Grounds allotted to them respectively) for the Purposes before mentioned, as the said Commissioners, or any Two of them, shall direct or appoint, and for securing the Repayment of such Sum and Sums of Money with Interest, to grant, mortgage, lease and demise, or otherwise subject the Lands and Grounds so to be assigned and allotted unto such Person or Persons as shall advance and lend the same respectively, for any Term or Number of Years, so as every such Grant and Demise shall be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money, thereby to be secured with the Interest thereof, shall be fully satisfied and paid, and do 27 also contain a Covenant to pay and keep down the Interest of the Money thereby secured during his, her, or their respective Lives: And no Person afterwards becoming possessed of any such Lands or Grounds shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced, and that every Grant, Mortgage, Lease or Demise, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Husbands, Guardians, Trustees, Committees or Attorneys, or in the said Persons acting as Guardians, Trustees, Committees or Attorneys or in the said Tenants in Tail or for Life, any Settlement, Will, Trust, Use, Remainder or Limitation to the contrary notwithstanding.

Mortgages
may be as-
signed.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons to whom any Grant, Mortgage, Lease or Demise shall be made, by virtue of this Act, or who shall be intitled to the Money thereby secured, may from Time to Time by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, or the principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her or their Right, Title and Interest in and to the same unto any Person or Persons whomsoever who may again in like Manner assign the same, and so 28 *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her or their Executors and Administrators, and all Persons claiming under them, or any of them, shall and may use, take and pursue all such lawful Methods, Courses and Expedients at Law, or in Equity, for recovering and obtaining the Possession of the Premises, so to be mortgaged, demised and assigned as aforesaid, in case of Non-payment of the principal Money and Interest, to be thereby secured, or any Part thereof as is or are used, taken or pursued in Cases of the like Nature.

And

And be it further Enacted by the Authority aforesaid, That Against de-
 it shall not be lawful for any Person or Persons, to graze or pasturing
 keep any Sheep or Lambs upon any of the Lands and Grounds Sheep, &c.
 intended to be divided and inclosed, by virtue of this Act, or in for a Term.
 any Ways, Lanes or Passages, on either Side, whereof any new
 Fence shall be made for the Space of Seven Years, next after the
 Day on which the said Commissioners, or any Two of them, shall
 for that Purpose appoint, or keep any Sheep, Hogs, Swine, Horses,
 or other Cattle, loose in the said Lanes for the Space of Ten Years
 from the signing the said Award.

And be it further Enacted by the Authority aforesaid, That
 the said Commissioners, or any Two of them, shall, and they are
 hereby required to give, or cause to be given, publick Notice in the Commission-
 Parish-Church of *North-Burton*, otherwise *Burton-Flemming* aforesaid, ers to give
 upon a Sunday immediately after Divine Service, and by Writing to Notice
 29 be affixed on the Door of the said Church, and also in the *York* Meetings.
Courant, of the Time and Place of their First and every subsequent
 Meeting, for the Execution of this Act, at least Ten Days before
 any such Meeting shall be held, Meetings by Adjournment only
 excepted.

And be it further Enacted by the Authority aforesaid, That
 for the surveying and measuring the said Fields, Lands and Grounds,
 and old Inclosures, and making such Division and Allotments as Lands may be
 aforesaid, all and every the Surveyor and Commissioners hereby ap entered
 pointed, together with their and each of their Servants and Assistants, to take
 shall, and they have hereby full and free Power and Authority, at any Surveys.
 Time or Times whatsoever, to enter into, view, and examine, survey
 and admeasure all and every the said Lands and Grounds so to be in-
 closed as aforesaid, and also the said old Inclosures.

And it is hereby further Enacted by the Authority aforesaid,
 That for the more convenient Disposition and Situation of the several
 Farms, Lands and Grounds, of the respective Owners and Propri- Allowing
 etors as aforesaid, upon the said intended Division, it shall and Exchanges.
 may be lawful to and for all or any of the several Persons seized,
 possessed of, or interested in the several Messuages, Cottages, Tene-
 ments, Tofts, Toftsteads, ancient inclosed Lands, or other Lands
 and Grounds within the said Township of *North-Burton*, otherwise
Burton-Flemming, to exchange the same, or any Part thereof, according
 to their respective Estates and Interests therein, for any other Mes-
 30 suages, Cottages, Tenements, Tofts, Toftsteads, ancient inclosed
 Lands, or other Lands and Grounds within the same Lordship, so as
 all and every such Exchange and Exchanges, be made by and with
 the Consent and Approbation of the said Commissioners, or any
 Two of them, such Exchange and Exchanges to be ascertained, and
 such Consent and Approbation to be specified and declared in the
 Award

Commission-
ers to deter-
mine Diffe-
rences.

Award or Instrument to be made and executed by them, as herein before mentioned.

And, for the better ascertaining the Rights and Claims of the Parties interested as aforesaid, Be it further Enacted by the Authority aforesaid, That in case any Dispute or Difference shall arise between any of the Parties interested in the said intended Inclosure concerning their respective Shares, Rights and Interests, which they, or any of them, now have, or may, before the said Division, claim to have in the Lands and Grounds hereby intended to be divided and allotted, or concerning their respective Shares or Proportions, which they, or any of them ought to have, of, and in the said intended Division, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby required by Examination of Witnesses upon Oath (which Oath they the said Commissioners, or any One of them, are and is hereby authorized and empowered to administer) and upon other proper and sufficient Inquiry, Evidence, and Satisfaction to hear and finally determine the same, and such Determination being set forth in the Award or Instrument herein before mentioned to be made by them, shall be binding and conclusive to all Parties. 31

For leaving
Gaps.

And be it Enacted, That such convenient Openings shall be left in the said Fences and Inclosures, and for such Time as the said Commissioners, or any Two of them, shall direct for the Passage of Cattle, Carts and Carriages through the same, unless the Majority of the Parties interested shall agree, that the same shall be sooner made up and inclosed.

Allotments
for getting
Materials for
Roads.

And it is further Enacted, That the said Commissioners, or any Two of them, shall and may before the making such Division and Allotments as aforesaid, allot and set out such Parcel or Parcels of Land within the said Fields, Lands and Grounds, or any of them, in such Part or Parts thereof as they the said Commissioners, or any Two of them, shall think most proper for the digging for, and getting Gravel and other Materials for the Repairs of the Highways, and private Roads, within the said Township of North-Burton, otherwise Burt n-Flemming.

For renewing
the Right of
the Lord of
the Manors.

Provided always, and be it Enacted by the Authority aforesaid, That nothing in this Act contained, shall extend, or be construed to extend, to defeat, lessen, or prejudice the Right, Title and Interest of the said Sir George Strickland, Lord of the said Manor of North-Burton, otherwise Burton Flemming aforesaid, of, in, and to the Seigniority and Royalties incident and belonging to the said Manor, but that he and the Lord or Lords thereof for the time being, shall and may from time to time, and at all times for ever hereafter, hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, 32

Forfeitures, and all other Rights, Royalties, Privileges and Appurtenances to the said Manor, or the Lord thereof for the Time being, incident, appendant, belonging or appertaining, in as full, ample and beneficial a Manner, to all Intents and Purposes, as he or they would or might have enjoyed the same, in case this Act had not been made.

Saving always to the Kings most Excellent Majesty, his Heirs General and Successors, and to all and every other Person and Persons, Bodies, Politic or Corporate his, her and their Heirs, Successors, Executors and Administrators (other than and except the respective Persons, to whom any Allotment or Allotments of Land or Compensation shall be made by Virtue of this Act, in respect of the Interest or Property, for which such Allotments or Compensations, shall be made, all such Estates, Right, Title and Interest, as they every or any of them had or enjoyed of, in, to, or out of the said open Fields, Lands and Grounds, so intended to be divided and inclosed as aforesaid, before the passing of this Act, or could or might have had or enjoyed, in case the same had not been made.

A C T

F O R

Dividing and Inclosing the open
Fields, Lands and Grounds, within
the Township of North-Burton
otherwise Burton - Flemming, in the
County of York.

[1768.]

